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FINAL ENVIRONMENTAL ASSESSMENT

And Responses to Comments

Stillwater Mining Company
East Boulder Project
Operating Permit No. 00149

Water Management Plan

Prepared by:

The Montana Department of Environmental Quality

Pursuant to:
The Montana Environmental Policy Act

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Comment Summary & Agency Responses

Introduction

On June 24,1998, the Montana Department of Environmental Quality (DEQ) and the U.S. Forest Service received an application from the Stillwater Mining Company (SMC) for water management facilities at its East Boulder Project under authority of Operating Permit No. 00149. The project area is located approximately 30 miles south of Big Timber, Montana, in Sweet Grass County. The DEQ evaluated the proposal and associated data, and subsequently published and released a Draft Environmental Assessment (EA) on December 18, 1998. A public comment period followed through February 10, 1999.

The department received 13 written comments on the proposal. In response to public comments and to clarify some of the confusing aspects in the draft document, the EA has been revised and is enclosed.

Purpose of Comment Period

The purpose of the comment period was to gather written and oral comments specifically related to the proposed water management plan and Environmental Assessment (EA) as it pertains to actions under the Metal Mine Reclamation Act (MMRA). Because of public interest and a desire on the part of many to evaluate the plan along with the draft MPDES permit, the department extended the public comment period twice.

General Discussion on Comments

The plan analyzed in this EA contains a proposal to manage excess adit water under SMC's Operating Permit. This analysis is tiered from the 1992 Final Environmental Impact Statement (FEIS) for the mine. The FEIS considered impacts from percolation ponds, spray irrigation, water treatment facilities, and addressed cumulative impacts to water resources.

The department has responded here to substantive questions or comments regarding the technical analysis of the company's water management plan in the EA as they apply to the Operating Permit and the MMRA. Many of the comments received were ***not*** directly related to sections of the plan that can be permitted under the MMRA, but were related to the MPDES permit renewal that is out for public review until April 2, 1999. These comments will be responded to as a part of the MPDES process and have not been responded to at this time, under this permitting action.

The comments received indicated confusion about what specifically would be permitted under this EA. Many comments were related to groundwater and surface water discharges and the effect of these on water quality and aquatic life in the East Boulder River. This permitting action is ***not*** for discharges to groundwater or to the East Boulder River. Discharges to surface water can only be approved through an MPDES permit. Because of a demonstrated connection between groundwater and surface water, the project does not qualify for the groundwater exclusion provided for in MCA 75-5-401(5)(j). Therefore, discharges to groundwater must also be approved through an MPDES permit. SMC has applied for an MPDES permit renewal that would specify discharge points and water quality limits for all wastewater and mine water discharges to groundwater or the river.

The Water Management Plan was submitted as a comprehensive document that addressed and integrated all aspects of water management for the mine. Different aspects of the plan would necessarily have to be permitted under different permitting authorities. Discharges to groundwater or surface water, and the nutrient load from the drain field would, if in compliance with the Montana Water Quality Act, be permitted through the pending draft MPDES permit renewal. The plans and specifications for the wastewater facility and drain field must comply with, and would be permitted through, the Public Water Supply Program at DEQ and the Sweet Grass County Sanitarian. Water management facilities and BMP's that don't impact water resources (evaluated in this EA) must comply with and would be permitted under authority of the MMRA and Operating Permit # 00149.

We sincerely apologize for the confusion generated by the Draft EA and the Water Management Plan. We hope that the Final EA and the responses to comments will clarify the permitting action under consideration.

Specific Responses

The following are specific responses to comments received on SMC's proposal under the MMRA and the Environmental Assessment (EA):

1) ***Comment:*** It is difficult to comment on the EA because the department has not made the water management plan reasonably available to the citizens of Sweet Grass County.

Response: The plan is available for review at the U.S Forest Service office in Big Timber and at the DEQ offices in Helena.

2) ***Comment:*** The interrelationship between the water management plan and the MPDES permit make it impossible to evaluate the potential impact of these

decisions in separate environmental assessments. This piecemeal approach violates the Montana Environmental Policy Act because it ignores the secondary and cumulative impacts of these actions on the Boulder River Watershed. We question why the DEQ will allow approval of a plan to manage water discharge when limits on that discharge have, as yet, not been set.

Response: An integrated analysis of impacts to water quality was included in the 1992 FEIS. The Water Management Plan was submitted as a comprehensive document that addressed and integrated all aspects of water management from the Record of Decision, the mine application, and previous water permits for the mine. However, different aspects of the plan are permitted under different permitting authorities with different time frames. The analyses for each action are tiered to the FEIS. Some aspects of the plan do not involve discharge to groundwater or surface water and these can be permitted separate from the MPDES permit.

3) ***Comment:*** The water management plan proposes substantial changes from what was analyzed in the 1992 FEIS. It is our understanding that if there are significant changes in the original proposal that by law the DEQ should require an EIS. A supplemental EIS is the only proper way to address the impact of the proposal.

Response: Because the scope of SMC's proposal has not substantially changed and there are no significant impacts from specific aspects of the plan under consideration in this EA, no additional EIS is required. This analysis is tiered from the FEIS. The FEIS considered impacts from percolation ponds, spray irrigation, water treatment facilities, and addressed cumulative impacts to water resources. None of the impacts identified in this EA exceed the scope of previously identified impacts as presented in the 1992 FEIS.

4) ***Comment:*** The proposal by SMC to directly discharge uncontaminated groundwater into the East Boulder River would be in conflict with the EPA's recent negative opinion on MCA, 75-5-401(1)(b). EPA does not agree that unaltered groundwater discharged to surface water is exempt from nondegradation requirements.

Response: This permitting action does not include direct discharge of unaltered groundwater to the river. See the draft MPDES permit for a more detailed description of unaltered groundwater discharges and water quality limits.

5) ***Comment:*** The project is located in Sweet Grass County not Sweetwater County.

Response: Thank you for pointing out this error. The EA has been corrected.

6) ***Comment:*** Because of the unknown nature of groundwater in the area, how can the quantity of adit discharges be accurately predicted. How will grouting of underground inflows effect the overall flow of groundwater in the project area? Was this method of groundwater control included in the FEIS?

Response: The quantity of adit inflows was estimated from the history of inflows at SMC's Nye operation. Underground grouting would have little effect on the groundwater flow regime in the valley because of the small quantity of water in the bedrock aquifer and the low permeability. Groundwater regimes and grouting were discussed in detail in the FEIS.

7) ***Comment:*** The original permit issued for the mine allowed for an additional 20 acres to be developed in constructing a water treatment system. This proposal will require expansion of the permit area by 125 acres. Why was this expansion not foreseen or considered in the original FEIS for the mine? How can SMC increase the size of the permit area without payment of lease or royalty? What is the legal basis for allowing this increase without a supplemental EIS?

Response: The 20-acre expansion was given in the Record of Decision as an estimate of the area needed for the water treatment facilities conceptual design. However the final designs described in the Water Management Plan require a much greater area to achieve water quality objectives. The bulk of the area is for spray irrigation facilities. The actual amount of area needed is dependent on the hydraulic loading rate calculated for the soils and climate of the area. A larger area more effectively limits the saturation of the soils and surface runoff. Use of this area is allowed under Forest Service regulations.

The EA concludes that there are no significant impacts, therefore an EIS is not necessary.

8) ***Comment:*** This proposal calls for the use of snowmaking equipment. This was not previously mentioned in the 1992 FEIS. Is there a contingency plan for rapid snow melt during chinook periods when the ground is frozen and there is no agronomic uptake? The discussion of snowmaking relies on assumptions, estimates, and data from other locations.

Response: Snowmaking was not analyzed in the FEIS for the project. Additional description and analysis of snowmaking as a water disposal option

has been added to the EA. Adit water that does not contain nitrate would be used for snowmaking. Meltwater would be captured in a pond below the snowmaking area. Excess meltwater would be pumped to other disposal or storage facilities.

9) ***Comment:*** SMC is proposing additional percolation ponds that have the potential to pollute the river. What will be the effect?

Response: This permitting action does not include percolation of water containing nitrate other than minor intermittent nitrate pulses from incidental blasting. Nitrate concentrations in groundwater would not be allowed to increase above background. See the draft MPDES permit for a description and analysis of discharges of nitrate to percolation ponds and water quality limits.

10) ***Comment:*** SMC is proposing a large increase of land application disposal. What will be the effect of this? Why wasn't this in the original proposal?

Response: As noted in the response to comment 7, this increase limits the potential for any adverse effects from soil saturation or runoff to occur. Adit water would be land applied at a specified rate, during certain times of the year, to maximize evaporation and minimize surface runoff. Under this permitting action nitrate would not be allowed to increase above background in groundwater. Land application disposal was defined as a treatment alternative in the Record of Decision for the project.

11) ***Comment:*** The increased level of total nitrogen in groundwater and surface water caused by the increased LAD may cause changes to water quality that are significant. The limit of 1 mg/L of nitrogen in the river will not prevent nuisance algae growth and the East Boulder is presently impaired by nutrients.

Response: This permitting action does not include discharges to groundwater or surface water. The effects of 1 mg/L nitrate in the river were discussed in the 1992 FEIS. See the draft MPDES permit for a description and analysis of discharges, water quality limits, and a discussion of the effects on algae in the river.

12) ***Comment:*** The wastewater facilities will require permitting by the County Sanitarian as well as the DEQ.

Response: This permitting action does not include the wastewater facilities. See the draft MPDES permit for a description of discharges and water quality limits for the wastewater facility.

13) ***Comment:*** The spray irrigation LAD should be included in the MPDES permit because it will be a source of effluent contamination to groundwater. Unless there is 100% agronomic uptake of nitrates, these facilities are not exempt from the water discharge permit.

Response: Land application of water containing nitrate would be part of the pending MPDES permit. The draft permit states that twenty percent of the nitrogen load that is sent to the spray irrigation LAD is expected to infiltrate to groundwater which would be included in the daily load limit specified in the MPDES permit.

14) ***Comment:*** We encourage the use of biotreatment cells and would like to see its use maximized. What percent of water would be treated in the biotreatment cells prior to discharge to LAD or percolation ponds.

Response: All of the adit water would be treated in the biotreatment system.

15) ***Comment:*** SMC is considering additional sites for LAD at privately owned tracts of land outside the permit area. Has this been considered in the total picture?

Response: The DEQ has not received a proposal from SMC for additional LAD area outside the proposed permit boundary. When, and if a proposal is received for additional area, the potential for impacts to land and water would be analyzed.

16) ***Comment:*** The East Boulder site gets more rainfall, less evaporation, and less wind than the Nye LAD site. Therefore, complete agronomic uptake may not be possible.

Response: Agronomic uptake of nitrate is an issue under the MPDES decision and is addressed in the draft MPDES permit. Nitrate discharges would be permitted under the Montana Water Quality Act and not pursuant to the MMRA.

17) ***Comment:*** We believe that easy implementation of this water management plan so that SMC can meet its production targets is not and should not be a goal of the DEQ.

Response: Helping SMC meet its production targets is not a goal of the DEQ. The DEQ must evaluate the applications it receives. The statement, in the Draft EA about SMC meeting its production targets while at the same time maintaining its permit limits, was included simply to indicate that water management methods at SMC's Nye operation, which are similar to those methods proposed for the

East Boulder operation, have been successful.

18) ***Comment:*** The proposed actions may have impacts on soil quality, stability and moisture. Reclamation considerations above and beyond those normally considered by DEQ with respect to disturbed areas may be necessary to affect proper postmining land reclamation in a forest environment.

Response: The acres involved in the Water Management Plan have already been logged. Soil will not be stripped in the LAD and snowmaking areas. Reclamation of the forested habitats at the site will not be difficult to achieve after use by LAD during mine operations. Impacts from long-term use of the LAD areas are discussed in comment #19 below. The rest of the active mine area will be logged to remove trees and will have soils removed. The impacts to reclamation in the active mine areas was covered in the East Boulder FEIS.

19) ***Comment:*** The native forest cover will be significantly impacted, could become a refuge for weeds, and may be difficult to reclaim similar to a premining condition. Reclamation planning and the amount of bond should be modified as necessary to ensure proper reclamation.

Response: The agencies agree that LAD will produce subtle changes in the plant community through time. These areas have been logged in the past. The mining company has an approved weed control plan to limit weeds during operations.

The agencies expect that additional water during operations will stimulate native forest tree establishment in the LAD areas. Trees will need to be controlled to prevent conflicts with the center pivot systems. After LAD ceases, the agencies would review the plant communities that have developed over the LAD period. If plant species dominant at that time are inconsistent with the post-mining land use, USFS foresters would evaluate the ability of the plant communities to succeed to the desired forest communities. The USFS may require reforestation at that time. As a contingency, the agencies would hold $1200/acre to cover the cost of clearing and reforestation on the center pivot acres.

20) ***Comment:*** The DEQ should be aware that we have specific and substantive comments with respect to the MPDES permit concerning the use, configuration and capacity of water management facilities which differ substantially from those proposed by the company. By segmenting the permitting process, the DEQ is pre-empting due and proper consideration of our comments and proposed alternatives relative to the MPDES permit.

Response: This permitting action does not preclude future changes to the Water Management Plan that may be generated by public comment on the MPDES permit. Changes made to the Water Management Plan as a result of public comment on the MPDES permit are easily incorporated by revision to the Operating Permit under the MMRA.

CHECKLIST ENVIRONMENTAL ASSESSMENT
(FINAL)

COMPANY NAME: **Stillwater Mining Co.** **Project:** **East Boulder Mine**

LOCATION: **30 miles south of Big Timber on Forest Service RD 205** **County:** **Sweet Grass**

PROPERTY OWNERSHIP: **[X] Federal** **[ ] State** **[ ] Private**

TYPE AND PURPOSE OF ACTION: **Water Management Plan**

Permitting Authority:

The Stillwater Mining Company (SMC) has a permit to construct and operate a mine in the East Boulder River Valley, 30 miles south of Big Timber, Montana. Environmental impacts from the mine have been analyzed in the Final EIS (1992) for the project. The operating permit required that more detailed treatment and disposal plans for water and sewage be submitted to the agencies for approval prior to construction. The permit also allowed an expansion of up to 20 acres to facilitate the construction and operation of water treatment systems. In order to fully implement all aspects of the plan, it is necessary to expand the permit area by 145 acres instead of 20 acres. This EA is required because the permit boundary is being increased by 125 acres. This is more than the 10 acres allowed under 82-4-342 (g) MCA, for a minor revision. Pursuant to this proposal the department must decide, under MMRA, whether or not to expand the permit boundary.

The Water Management Plan was submitted as a comprehensive document that addressed and integrated all aspects of water management at the site. Different aspects of the plan will necessarily have to be permitted under different statutes. This EA covers only those aspects of the plan that can be permitted under the authority of the Operating Permit and the Metal Mine Reclamation Act (MMRA). Discharges to groundwater or surface water, and the nutrient load from the drain field would be analyzed and permitted through the pending MPDES permit renewal. The plans and specifications for the wastewater facility and drain field would be permitted through the Public Water Supply Program at DEQ and the Sweet Grass County Sanitarian. Although the analysis has been closely coordinated between bureaus, the statutes establish different time frames for decision making for each action. Therefore, coordinated but separate analyses are being published.

Items described in the Water Management Plan that would be permitted under Operating Permit # 00149 and are covered in this EA include:

- permit boundary expansion
- spray irrigation and snow making LAD areas (for disposal of water that does not contain nitrates)
- percolation ponds (for disposal of water that does not contain nitrates)
- monitoring wells
- biological denitrification water treatment structures
- on-line water monitoring
- underground BMP's and some nitrate source reduction measures

Items in the plan that cannot be permitted under Operating Permit # 00149 and are, therefore, not covered in this EA

include:

- sanitary wastewater facility and drain field
- direct discharge of unaltered groundwater to the East Boulder River,
- discharge of nitrates to groundwater
- supplemental nitrate reduction measures identified through the MPDES permit renewal process

Proposed Plan:

SMC anticipates that a discharge of groundwater would result from underground mining operations at the proposed East Boulder Mine site. This water enters the underground mine workings through joints, fractures and faults in the rock. To date, very little water has been intercepted in the 8300-foot long tunnel. The larger groundwater inflows can be controlled by grouting the flow pathways in the rock. A comprehensive discussion of underground water sources is contained in Chapter 2 of the Final EIS (1992) for the East Boulder Project. Disturbances associated with water management facilities would be reclaimed in accordance with procedures contained in the approved reclamation plan for the project, evaluated in the Final EIS.

Major components of the Water Management Plan include underground source reduction measures in the mine, grouting of groundwater inflows, sediment control using clarifiers, bag or sand filters, and selective implementation of various water treatment and disposal methods. Excess adit water would be treated to remove most sediment before being delivered to a spray irrigation Land Application & Disposal (LAD) system, snow making system, or percolation ponds. Presently, adit water does not contain nitrate. This is because use of the tunnel boring machine does not involve blasting and therefore does not produce nitrate. Generation of nitrate from production blasting will not begin for several months. At that time an approved MPDES permit would be needed to discharge water containing elevated nitrate. SMC's permit renewal application for its MPDES permit proposes long-term use of the water management system for mine waters with elevated nitrate. This proposal is being evaluated under the MPDES renewal process.

Two pivot and two contingent spray irrigation LAD locations, and three percolation ponds are proposed. Spray irrigation would take place over six months of the year at a hydraulic loading rate calculated from soil permeability, monthly precipitation and evapotranspiration at the site. Percolation ponds would be used all year. No nitrates would be allowed in the discharge water other than short term nitrate pulses from incidental blasting that do not increase nitrate concentrations in groundwater over background. Application of water at the design hydraulic loading rate should preclude surface runoff of applied water.

Snow making, using nitrate free water, is a potential method for water disposal during the winter months. Meltwater from the snow pile would be contained in a percolation pond. Excess meltwater would be pumped to other water disposal or storage facilities.

Agency Modifications:

The LAD system would be approved with the following modifications:

1) Land application of excess adit water through spray irrigation, snow making, or percolation ponds is restricted to water that does not contain nitrate. Adit water, after clarification, does not contain elevated concentrations of

metals or other constituents of concern. Nitrate from incidental blasting of adit breakouts or to assist the tunnel boring machines would be allowed as long as the nitrate concentration in groundwater is not elevated above background concentrations. Because of the hydraulic connection between groundwater and surface water in the valley, nitrate loading to groundwater above background concentrations from the LAD cannot be permitted through the Operating Permit. This loading to groundwater could only be permitted through the MPDES permit as part of the daily load limit being set through the MPDES permit renewal process.

2) In addition to the monitoring wells proposed in the Water Management Plan, the following monitoring would also be required.

- While pivot #1 is in use, spring SP-11 must be monitored on a monthly basis. If changes in water quality are detected in the spring, use of pivot #1 must be discontinued. In order to resume use of this pivot, SMC would have to request an MPDES permit modification.

N = Not present or No Impact will occur.
Y = Impacts may occur (explain under Potential Impacts).

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?	[N]
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	[Y] Land application of adit water would be restricted to water that does not contain nitrate. Short term nitrate pulses in the discharge would be allowed provided that nitrate concentrations do not increase in groundwater above background. The design hydraulic loading rate for spray irrigation would prevent surface runoff. Meltwater from snowmaking would be contained in a percolation pond or pumped to additional disposal or storage facilities if needed. All discharges of nitrate or other constituents to surface or groundwater would be subject to discharge limits imposed by the MPDES permit.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[N]
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N]
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[N]
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	[N]

IMPACTS ON THE PHYSICAL ENVIRONMENT	
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N]
8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	[N]
9. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?	[N]
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[N]

IMPACTS ON THE HUMAN POPULATION	
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N]
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[N]
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N]
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N]
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N]
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N]
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N]
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N]
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N]

IMPACTS ON THE HUMAN POPULATION	
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N]
21. PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[Y] This activity is conducted under the authority of the Metal Mine Reclamation Act (Title 82, Part 4).
22. PRIVATE PROPERTY IMPACTS: Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required.	[N] The mining operation (tunnel drive) would continue.
23. PRIVATE PROPERTY IMPACTS: Does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and analyze such alternatives.	[N]
24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N]

25. **Alternatives Considered:**

No Action: SMC's water management plan would not be approved. The water management plan was required by the operating permit. The no action alternative would not fulfill this requirement.

Approve the company's proposed plan: The plan as proposed fulfills the requirements of stipulation #1 of operating permit #00149.

Approve the company's proposed plan with agency modifications: This is the agency preferred alternative because the modifications preclude any groundwater or surface water discharge.

26. **Public Involvement:** An eight week public comment period was provided.

27. **Other Governmental Agencies with Jurisdiction:** U.S. Forest Service, Gallatin National Forest

28. **Magnitude and Significance of Potential Impacts:** Impacts to the local environment would be minor and the plan would not cause changes in soil or water quality.

29. **Cumulative Effects:** Cumulative effects of the mine were analyzed in the 1992 FEIS. The pending MPDES discharge permit renewal will analyze and permit actual discharge load limits.

Recommendation for Further Environmental Analysis: [ ] EIS [ ] More Detailed EA [X] No Further Analysis

EA Checklist Prepared By: DEQ, Environmental Management Bureau

Approved By:

Signature Date